



Sen. Antonio Muñoz

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09700HB4673sam001

LRB097 12811 RLC 69125 a

1 AMENDMENT TO HOUSE BILL 4673

2 AMENDMENT NO. _____. Amend House Bill 4673 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Sections 4 and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. (a) Each applicant for a Firearm Owner's
8 Identification Card must:

9 (1) Make application on blank forms prepared and
10 furnished at convenient locations throughout the State by
11 the Department of State Police, or by electronic means, if
12 and when made available by the Department of State Police;
13 and

14 (2) Submit evidence to the Department of State Police
15 that:

16 (i) He or she is 21 years of age or over, or if he

1 or she is under 21 years of age that he or she has the
2 written consent of his or her parent or legal guardian
3 to possess and acquire firearms and firearm ammunition
4 and that he or she has never been convicted of a
5 misdemeanor other than a traffic offense or adjudged
6 delinquent, provided, however, that such parent or
7 legal guardian is not an individual prohibited from
8 having a Firearm Owner's Identification Card and files
9 an affidavit with the Department as prescribed by the
10 Department stating that he or she is not an individual
11 prohibited from having a Card;

12 (ii) He or she has not been convicted of a felony
13 under the laws of this or any other jurisdiction;

14 (iii) He or she is not addicted to narcotics;

15 (iv) He or she has not been a patient in a mental
16 institution within the past 5 years and he or she has
17 not been adjudicated as a mental defective. This clause
18 (iv) does not apply to an active law enforcement
19 officer employed by a unit of local government, who (A)
20 as a result of work in law enforcement, and (B) is
21 referred by the employing unit of local government for,
22 or voluntarily seeks, evaluation by a clinical
23 psychologist, psychiatrist, or qualified examiner, and
24 (C) receives care from a clinical psychologist,
25 psychiatrist, or qualified examiner, so long as the
26 officer has not been involuntarily admitted as an

1 inpatient in a mental institution or has not been an
2 inpatient in a mental institution for more than 30
3 days. "Clinical psychologist", "psychiatrist", and
4 "qualified examiner" shall have the same meaning as
5 provided in Chapter 1 of the Mental Health and
6 Developmental Disabilities Code;

7 (v) He or she is not intellectually disabled;

8 (vi) He or she is not an alien who is unlawfully
9 present in the United States under the laws of the
10 United States;

11 (vii) He or she is not subject to an existing order
12 of protection prohibiting him or her from possessing a
13 firearm;

14 (viii) He or she has not been convicted within the
15 past 5 years of battery, assault, aggravated assault,
16 violation of an order of protection, or a substantially
17 similar offense in another jurisdiction, in which a
18 firearm was used or possessed;

19 (ix) He or she has not been convicted of domestic
20 battery, aggravated domestic battery, or a
21 substantially similar offense in another jurisdiction
22 committed before, on or after January 1, 2012 (the
23 effective date of Public Act 97-158) ~~this amendatory~~
24 ~~Act of the 97th General Assembly;~~

25 (x) (Blank);

26 (xi) He or she is not an alien who has been

1 admitted to the United States under a non-immigrant
2 visa (as that term is defined in Section 101(a)(26) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1101(a)(26))), or that he or she is an alien who has
5 been lawfully admitted to the United States under a
6 non-immigrant visa if that alien is:

7 (1) admitted to the United States for lawful
8 hunting or sporting purposes;

9 (2) an official representative of a foreign
10 government who is:

11 (A) accredited to the United States
12 Government or the Government's mission to an
13 international organization having its
14 headquarters in the United States; or

15 (B) en route to or from another country to
16 which that alien is accredited;

17 (3) an official of a foreign government or
18 distinguished foreign visitor who has been so
19 designated by the Department of State;

20 (4) a foreign law enforcement officer of a
21 friendly foreign government entering the United
22 States on official business; or

23 (5) one who has received a waiver from the
24 Attorney General of the United States pursuant to
25 18 U.S.C. 922(y)(3);

26 (xii) He or she is not a minor subject to a

1 petition filed under Section 5-520 of the Juvenile
2 Court Act of 1987 alleging that the minor is a
3 delinquent minor for the commission of an offense that
4 if committed by an adult would be a felony; and

5 (xiii) He or she is not an adult who had been
6 adjudicated a delinquent minor under the Juvenile
7 Court Act of 1987 for the commission of an offense that
8 if committed by an adult would be a felony; and

9 (3) Upon request by the Department of State Police,
10 sign a release on a form prescribed by the Department of
11 State Police waiving any right to confidentiality and
12 requesting the disclosure to the Department of State Police
13 of limited mental health institution admission information
14 from another state, the District of Columbia, any other
15 territory of the United States, or a foreign nation
16 concerning the applicant for the sole purpose of
17 determining whether the applicant is or was a patient in a
18 mental health institution and disqualified because of that
19 status from receiving a Firearm Owner's Identification
20 Card. No mental health care or treatment records may be
21 requested. The information received shall be destroyed
22 within one year of receipt.

23 (a-5) Each applicant for a Firearm Owner's Identification
24 Card who is over the age of 18 shall furnish to the Department
25 of State Police either his or her driver's license number or
26 Illinois Identification Card number.

1 (a-10) Each applicant for a Firearm Owner's Identification
2 Card, who is employed as an armed security officer at a nuclear
3 energy, storage, weapons, or development facility regulated by
4 the Nuclear Regulatory Commission and who is not an Illinois
5 resident, shall furnish to the Department of State Police his
6 or her driver's license number or state identification card
7 number from his or her state of residence. The Department of
8 State Police may promulgate rules to enforce the provisions of
9 this subsection (a-10).

10 (b) Each application form shall include the following
11 statement printed in bold type: "Warning: Entering false
12 information on an application for a Firearm Owner's
13 Identification Card is punishable as a Class 2 felony in
14 accordance with subsection (d-5) of Section 14 of the Firearm
15 Owners Identification Card Act."

16 (c) Upon such written consent, pursuant to Section 4,
17 paragraph (a)(2)(i), the parent or legal guardian giving the
18 consent shall be liable for any damages resulting from the
19 applicant's use of firearms or firearm ammunition.

20 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; revised
21 10-4-11.)

22 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

23 Sec. 8. The Department of State Police has authority to
24 deny an application for or to revoke and seize a Firearm
25 Owner's Identification Card previously issued under this Act

1 only if the Department finds that the applicant or the person
2 to whom such card was issued is or was at the time of issuance:

3 (a) A person under 21 years of age who has been convicted
4 of a misdemeanor other than a traffic offense or adjudged
5 delinquent;

6 (b) A person under 21 years of age who does not have the
7 written consent of his parent or guardian to acquire and
8 possess firearms and firearm ammunition, or whose parent or
9 guardian has revoked such written consent, or where such parent
10 or guardian does not qualify to have a Firearm Owner's
11 Identification Card;

12 (c) A person convicted of a felony under the laws of this
13 or any other jurisdiction;

14 (d) A person addicted to narcotics;

15 (e) A person who has been a patient of a mental institution
16 within the past 5 years or has been adjudicated as a mental
17 defective. This paragraph (e) does not apply to an active law
18 enforcement officer employed by a unit of local government, who
19 (1) as a result of work in law enforcement, and (2) is referred
20 by the employing unit of local government for, or voluntarily
21 seeks, evaluation by a clinical psychologist, psychiatrist, or
22 qualified examiner, and (3) receives care from a clinical
23 psychologist, psychiatrist, or qualified examiner, so long as
24 the officer has not been involuntarily admitted as an inpatient
25 in a mental institution or has not been an inpatient in a
26 mental institution for more than 30 days. "Clinical

1 psychologist", "psychiatrist", and "qualified examiner" shall
2 have the same meaning as provided in Chapter 1 of the Mental
3 Health and Developmental Disabilities Code;

4 (f) A person whose mental condition is of such a nature
5 that it poses a clear and present danger to the applicant, any
6 other person or persons or the community;

7 For the purposes of this Section, "mental condition" means
8 a state of mind manifested by violent, suicidal, threatening or
9 assaultive behavior.

10 (g) A person who is intellectually disabled;

11 (h) A person who intentionally makes a false statement in
12 the Firearm Owner's Identification Card application;

13 (i) An alien who is unlawfully present in the United States
14 under the laws of the United States;

15 (i-5) An alien who has been admitted to the United States
16 under a non-immigrant visa (as that term is defined in Section
17 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
18 1101(a)(26))), except that this subsection (i-5) does not apply
19 to any alien who has been lawfully admitted to the United
20 States under a non-immigrant visa if that alien is:

21 (1) admitted to the United States for lawful hunting or
22 sporting purposes;

23 (2) an official representative of a foreign government
24 who is:

25 (A) accredited to the United States Government or
26 the Government's mission to an international

1 organization having its headquarters in the United
2 States; or

3 (B) en route to or from another country to which
4 that alien is accredited;

5 (3) an official of a foreign government or
6 distinguished foreign visitor who has been so designated by
7 the Department of State;

8 (4) a foreign law enforcement officer of a friendly
9 foreign government entering the United States on official
10 business; or

11 (5) one who has received a waiver from the Attorney
12 General of the United States pursuant to 18 U.S.C.
13 922 (y) (3);

14 (j) (Blank);

15 (k) A person who has been convicted within the past 5 years
16 of battery, assault, aggravated assault, violation of an order
17 of protection, or a substantially similar offense in another
18 jurisdiction, in which a firearm was used or possessed;

19 (l) A person who has been convicted of domestic battery,
20 aggravated domestic battery, or a substantially similar
21 offense in another jurisdiction committed before, on or after
22 January 1, 2012 (the effective date of Public Act 97-158) ~~this~~
23 ~~amendatory Act of the 97th General Assembly;~~

24 (m) (Blank);

25 (n) A person who is prohibited from acquiring or possessing
26 firearms or firearm ammunition by any Illinois State statute or

1 by federal law;

2 (o) A minor subject to a petition filed under Section 5-520
3 of the Juvenile Court Act of 1987 alleging that the minor is a
4 delinquent minor for the commission of an offense that if
5 committed by an adult would be a felony; or

6 (p) An adult who had been adjudicated a delinquent minor
7 under the Juvenile Court Act of 1987 for the commission of an
8 offense that if committed by an adult would be a felony.

9 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
10 eff. 1-1-12; revised 10-4-11.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."